

**Bayer HealthCare
Pharmaceuticals**



FAX

**RECEIVED
CENTRAL FAX CENTER**

JUN 19 2007

To: MAIL STOP PCT – US PATENT AND TRADEMARK OFFICE

Fax: (571) 273-8300

Number of Pages: 10 (including this cover)

Date: 19 June 2007

From: William F. Gray

Fax: (203) 812-6459

Phone: (203) 812-2712

E-mail: william.gray.b@bayer.com

Re: US Application Serial No.: 10/588,862

International Filing Date: 02/01/2005

**Title: Tetrahydrobenzo(D)azepin-2-One Derivatives and the Use Thereof for
Treating Cardiovascular Diseases**

Attorney Docket No.: BHC 031071

Art Unit:

Examiner:

Message:

Attached are the following documents in connection with prosecution of this application:

- ☒ Response to Notification of Missing Requirements Under 35 U.S.C. 371
- ☒ Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States
Designated/Elected Office (DO/EO/US)
- ☒ Declaration of the inventors

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT THE PRIVILEGED OR CONFIDENTIAL NATURE OF THIS MESSAGE IS NOT WAIVED BY INADVERTENT DISCLOSURE. ANY DISSEMINATION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL TO 400 MORGAN LANE, WEST HAVEN CONNECTICUT 06516. THANK YOU.

RECEIVED
CENTRAL FAX CENTER

JUN 19 2007

Attorney Docket No. BHC 031071

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

National Stage in the U.S. of

International Application No.: PCT/EP05/00960

International Filing Date: 02/01/05

U.S. Application No.: 10/588,862

First Named Inventor: Griebenow, Nils

Title: Tetrahydrobenzo(D)azepin-2-One Derivatives and the Use Thereof for Treating Cardiovascular Diseases

CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any papers referred to in this certificate as being attached, are being facsimile transmitted to the United States Patent and Trademark Office (phone number 571-273-8300) on the date shown below.

Date: 19 June 2007

William F. Gray
William F. Gray

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

This replies to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed to applicants on 04/20/2007. A copy of Form PCT/DO/EO/905 is enclosed.

DECLARATION OR OATH

No declaration or oath was filed. Enclosed is the original declaration or oath for this application (35 U.S.C. 371 (c)(4)).

COMPLETION FEES

Surcharge fee for late filing of original declaration or oath (37 C.F.R. 1.492(e))
\$130.00. 06/23/2007 GFREY1 00000072 133372 10588862

01 FC:1617 130.00 DA

RECEIVED
CENTRAL FAX CENTER

JUN 19 2007

EXTENSION OF TIME

The proceedings herein are for a patent application, and the provisions of 37 C.F.R. 1.136(a) apply. Applicant petitions for an extension of time, the other than small entity fee for which is set out in 37 C.F.R. 1.17(a)(4), for 0 month.

Fee \$N/A

If an additional extension of time is required, please consider this a petition therefor.

TOTAL FEE DUE

The total fee due is:

Completion fees	\$130.00
Extension fee (if any)	\$ N/A
Total Fee Due	\$130.00

METHOD OF PAYMENT

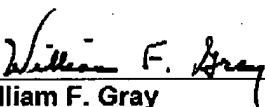
The Commissioner is hereby authorized to charge Deposit Account No. 13-3372 in the amount of \$130.00 for the matters indicated above. The Commissioner is also authorized to charge any additional fees, any underpayment of fees, and credit any overpayment to the above deposit account. A duplicate of this request is attached.

Respectfully submitted,

Date: 19 June 2007

Registration No.: 31018

Phone: (203) 812-2712



William F. Gray
Attorney for Applicant(s)
Bayer Pharmaceuticals Corporation
400 Morgan Lane
West Haven, CT 06516-4175

RECEIVED
CENTRAL FAX CENTER

JUN 19 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/588,862	Griebenow	BHC 031071

INTERNATIONAL APPLICATION NO.

PCT/EP05/00960

I.A. FILING DATE	PRIORITY DATE
02/01/2005	02/10/2004

35969
JEFFREY M. GREENMAN
BAYER PHARMACEUTICALS CORPORATION
400 MORGAN LANE
WEST HAVEN, CT 06516

CONFIRMATION NO. 4070

371 FORMALITIES LETTER



0000000023476855

Date Mailed: 04/20/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 08/09/2006
- Copy of the International Search Report filed on 08/09/2006
- Preliminary Amendments filed on 08/09/2006
- Information Disclosure Statements filed on 08/09/2006
- Request for Immediate Examination filed on 08/09/2006
- U.S. Basic National Fees filed on 08/09/2006
- Priority Documents filed on 08/09/2006
- Non-English Language Application filed on 08/09/2006
- Specification filed on 08/09/2006
- Claims filed on 08/09/2006
- Abstracts filed on 08/09/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

RECEIVED
CENTRAL FAX CENTER

JUN 19 2007

Total additional fees required for this application is **\$-870** for a Large Entity:

- **\$130** Surcharge.

(A previous payment of **\$1000** will be applied to the additional fees indicated above.)

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/588,862	PCT/EP05/00960	BHC 031071

FORM PCT/DO/EO/905 (371 Formalities Notice)